

REMARKS

Claims 1-20 are pending. Claims 1-20 stand rejected. Applicant is amending claims 1, 10, and 19.

Applicant acknowledges the withdrawal of the rejections of claims 1, 10, and 19 under 35 U.S.C. 112, second paragraph and the consideration of all cited references (including US 4,874,784 and US 4,981,766) in the Supplemental IDS.

Substance of Interview on July 3, 2007

Applicant and Examiner discussed the proposed amendments to claims 1, 10, and 19, which address the rejections under 35 U.S.C. §101. The Examiner expressed the opinion that the proposed amendments would overcome the 101 rejections.

Claim Objections

Claim 10 is objected to because of an alleged informality.

The Office alleges that substeps (e)(i), (e)(ii), and e(iii) in step (g) are incorrectly labeled. Applicant is amending claim 10 to re-label the referenced substeps as (g)(i), (g)(ii), and (g)(iii), respectively. Applicant requests withdrawal of the objections to claim 10.

Claim Rejections – 35 U.S.C. § 101

Claims 1-20 are rejected under 35 U.S.C. 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Regarding claim 1, Applicant is amending the claim to include the features of “receiving an accounting goal, **the accounting goal being indicative of an accepted accounting practice**” and “dynamically adjusting a selected level of feedback based on the progress of the student toward the accounting goal, **the determined feedback providing at least one recommendation to the student for submitting a subsequent response to be in accordance with the accepted accounting practice.**” (Emphasis added.) The amendment is supported by the specification as originally filed, e.g., page 9, lines 1-22, page 11, lines 1-5, and page 12, line 33 – page 13, line 5.

The Office Action alleges (Page 3. Emphasis added.):

The claimed invention must be for a practical application by:

1. transforming (physical thing) **or**

2. **having the FINAL RESULT** (not the steps) achieve or produce a useful (specific, substantial, and credible) concrete (substantially repeatable/non-unpredictable), AND tangible (real world/non-abstract) result.

A claim that is so broad that it reads on both statutory and non-statutory matter, must be amended, and if the specification discloses a practical application but the claim is broader than the disclosure such that it does not require the practical application, then the claim must be amended.

The Office Action further alleges that (Page 4.)

Specifically, independent claims 1, 10, and 19 are merely a manipulation of abstract ideas i.e. mathematical algorithms and/or software per se. Applicants cite no such specific results to produce a useful, concrete and tangible result. ...

However, referring to the claim 1, determined feedback provides at least one recommendation to the student for submitting a subsequent response to be in accordance with the accepted accounting practice. Determined feedback produces a final result that is useful (e.g., determined feedback that provides a recommendation in accordance with an accepted accounting practice), concrete (e.g., in accordance with the accepted accounting practice), and tangible (e.g., at least one recommendation for submitting a subsequent response) result in that determined feedback provides at least one recommendation to the student for submitting a subsequent response to be in accordance with the accepted accounting practice.

Similarly, independent claim 10 is amended to include the features of “logic that receives an accounting goal, the accounting goal being indicative of an accepted accounting practice” and “logic that dynamically adjusts a selected level of feedback based on the progress of the student toward the accounting goal, the determined feedback providing at least one recommendation to the student for submitting a subsequent response to be in accordance with the accepted accounting practice.” Independent claim 19 includes the similar features of “receiving an accounting goal, the accounting goal being indicative of an accepted accounting practice” and “dynamically adjusting a selected level of feedback based on the progress of the student toward the accounting goal, the determined feedback providing at least one recommendation to the student for submitting a subsequent response to be in accordance with the accepted accounting practice.” Claims 2-9, 11-18, and 20 ultimately depend from claims 1, 10, and 19 and consequently being directed to statutory subject matter. Thus, Applicant requests reconsideration for claims 1-20.

Claim Rejections – 35 U.S.C. § 112

Claims 1-20 are rejected under 35 U.S.C. 112, first paragraph because current case law requires such a rejection if a § 101 is alleged.

The Office Action alleges (Page 5.):

Claims 1-20 are rejected under 35 U.S.C. §112, first paragraph because current case law (and accordingly, the MPEP) require such a rejection if a §101 rejection is given because when Applicant has not in fact disclosed the practical application for the invention, as a matter of law there is no way Applicant could have disclosed how to practice the undisclosed practical application.

As discussed above, claims 1-20 are directed to statutory subject matter in accordance with 35 U.S.C. §101. Thus, Applicant requests reconsideration of claims 1-20.

Claim Rejections – 35 U.S.C. § 103

Claims 1-20 are rejected by the Office Action under 35 U.S.C. 103(a) as allegedly being unpatentable over U.S. Patent No. 5,311,422 (Loftin) in view of “Accounting and Financial Fundamentals for Non Financial Executives” (Rachlin).

Regarding claim 1, Applicant is amending the claim to include the features of “evaluating progress toward the goal and providing a determined feedback having a feedback category based on an appropriate level of feedback and an appropriate training component that further motivates accomplishment of the accounting goal, the appropriate level of feedback being selected from the plurality of feedback levels based on **an error severity of an associated response** from the student, the appropriate training component being selected from a plurality of training components and based on **an amount of work contained in the associated response**, and further comprising: (e)(i) **determining the type of the feedback category for the associated response**; (e)(ii) **when the feedback category corresponds to an administrative category, instructing the student to provide a sufficient amount of work to assess a subsequent response**; and (e)(iii) **when the feedback category corresponds to an educational category, assessing the associated response in accordance with the educational category.**” (Emphasis added.)

Regarding claim 1, the Office Action alleges that Loftin discloses (Page 5. Emphasis added.):

... (e) evaluating progress toward the goal (col. 6, lines 55-59) and providing a determined feedback having a feedback category (col. 12, lines 57-65, col. 14, lines 5-6. Examiner interprets diagnose the nature of the error, and sensitive to the skill level of the trainee as feedback category) based on an appropriate level of feedback (col. 14, lines 8-9) and an appropriate training component (col. 16, lines 31-43) that further motivates accomplishment of the accounting goal (col. 6, lines 55-59), **the appropriate level of feedback being selected from the plurality of feedback levels based on an error severity of an associated response from the student (col. 14, lines 8-16), the appropriate training component being selected from a plurality of training components and based on an amount of work contained in the associated response (col. 16, lines 31-43),** and further comprising:

(e)(i) determining the type of the feedback category for the associated response (col. 9, line 67, col. 10, line 1);

(e)(ii) when the feedback category corresponds to an administrative category, **instructing the student to provide a sufficient amount of work to assess a subsequent response (col. 12, lines 57-65. Examiner asserts diagnose the nature of the error to read on administrative category);** and

(e)(iii) when the feedback category corresponds to an educational category, assessing the associated response in accordance with the educational category (col. 14, lines 5-6. Examiner asserts sensitive to the skill level of the trainee to read on educational category); and ...

Loftin discloses (Column 14, lines 5-22.):

In addition (referring again to FIG. 1), the training session manager 30 is sensitive to the skill level of the trainee as represented by the trainee model 50. As a result, the detail and tone of error messages are chosen to match the current trainee. For example, an error made by a trainee who is using the system for the first time may require a verbose explanation to make certain that the new trainee will have all of the knowledge and concepts needed to proceed with the training session. On the other hand, a trainee who has considerable experience on the system may have momentarily forgotten a particular procedure or may have lost his or her place. In the latter case, a terse error message would be adequate to allow the trainee to resume the exercise. The error handler expert system 34 in the training session manager 30 and the domain expert 10 mal-rules encode all trainee actions, both correct and incorrect, and pass them to the trainee model 50.

However, Loftin merely discloses an error severity level that is based on the characteristics (e.g., the amount of experience of the trainee on the system) of the trainee and not on the response

from the trainee¹. Loftin fails to even suggest the feature of “the plurality of feedback levels **based on an error severity of an associated response** from the student.” (Emphasis added.) Loftin also discloses (Column 16, lines 31-43):

The training scenario generator relies upon a database of task “problems” to structure unique exercises for a particular trainee each time the trainee interacts with the system. Typically, the initial exercises provided to a new trainee are based on variants of a purely nominal satellite deployment. Thus, the nominal deployment does not increase the difficulty for the new trainee by including time constraints, distractions or related problems. Once the trainee has demonstrated an acceptable level of competence with the nominal satellite deployment, the training scenario generator 20 draws upon its database 24 to insert selected problems into the training environment.

Loftin merely discloses material that is presented to the trainee that is based on the experience of the trainee and not on the response from the trainee. Loftin fails to even suggest the feature of “the appropriate training component being selected from a plurality of training components and based on **an amount contained in the associated response.**” (Emphasis added.) Loftin also discloses (Column 12, line 57 – column 13, line 3. Emphasis added.):

The present system can detect any erroneous action made by a trainee, and in addition thereto, through the use of the mal-rules, **diagnose the nature of the error and provide an error message to the trainee specifically designed to inform the trainee about the exact error made.** Also, the mal-rule aids in correcting the misconception or lack of knowledge that led to the commission of any particular error. Thus, the mal-rules aid in diagnosing the nature of an error. Further through interaction with the trainee model 50, the domain expert/Deplex 10 can readily alter the nature of a message to be adapted to the demonstrated skill of the trainee. The domain expert/Deplex 10 may have numerous messages and the error handler expert 34 decides which error type to pick for a specific trainee.

Loftin merely discloses diagnosing the exact error for the actual submission of the trainee. However, Loftin fails to teach any thing about the amount of work submitted by the trainee and consequently fails to even suggest the feature of “instructing the student to provide **a sufficient amount of work** to assess a subsequent response.”

¹ Applicant notes that educational institutions have often been criticized for allowing students to “slip” through the educational system without having basic skill levels. Based on the actual skills of the student (e.g., performance on assessment tests), the student may be provided remedial support regardless of the assigned grade level of the student.

Independent claim 10 includes a similar feature of “logic that evaluates progress toward the goal and provides a determined feedback having a feedback category based on an appropriate level of feedback and an appropriate training component that further motivates accomplishment of the accounting goal, the appropriate level of feedback being selected from the plurality of feedback levels based on an error severity of an associated response from the student, the appropriate training component being selected from a plurality of training components and based on an amount of work contained in the associated response, and further comprising: (g)(i) determining the type of the feedback category for the associated response; (g)(ii) when the feedback category corresponds to an administrative category, instructing the student to provide a sufficient amount of work to assess a subsequent response; and (g)(iii) when the feedback category corresponds to an educational category, assessing the associated response in accordance with the educational category.” Also, independent claim 19 includes a similar feature of “evaluating progress toward the goal and providing a determined feedback having a feedback category based on an appropriate level of feedback and an appropriate training component that further motivates accomplishment of the accounting goal, the appropriate level of feedback being selected from the plurality of feedback levels based on an error severity of an associated response from the student, the appropriate training component being selected from a plurality of training components and based on an amount of work contained in the associated response, and further comprising: (e)(i) determining the type of the feedback category for the associated response; (e)(ii) when the feedback category corresponds to an administrative category, instructing the student to provide a sufficient amount of work to assess a subsequent response; and (e)(iii) when the feedback category corresponds to an educational category, assessing the associated response in accordance with the educational category.” Claims 2-9, 11-18, and 20 ultimately depend from independent claims 1, 10, and 19, respectively. Thus, claims 2-20 are patentable for at least the above reasons. Applicant requests reconsideration of claims 1-20.

It is respectfully submitted that the present patent application is in condition for allowance, and a Notice to that effect is earnestly solicited.

Respectfully submitted,

Date: July 3, 2007

A handwritten signature in cursive script, reading "Kenneth F. Smolik", written in black ink.

Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 S. Wacker Drive, Suite 3000
Chicago, IL 60606-7407
Telephone: 312-463-5000
Facsimile: 312-463-5001